

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALYECE CUMMINGS and DANIEL
LAPKA, Individually and On Behalf of All
Others Similarly Situated,

Plaintiffs,

-against-

CHESAPEAKE ENERGY CORP., et al.,

Defendants.

Index No. 16-cv-2338 (VEC)

ORAL ARGUMENT REQUESTED

DECLARATION OF ROBERT P. VARIAN

Dated: San Francisco, California
May 17, 2016

ORRICK, HERRINGTON & SUTCLIFFE LLP

Robert P. Varian, admitted pro hac vice
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Attorneys for Defendants

Pursuant to 28 U.S.C. § 1746, I, Robert P. Varian, declare as follows:

1. I am an attorney at law admitted to practice *pro hac vice* before this Court and am employed by the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Defendants.
2. Attached hereto as Exhibit A is a true and correct copy of the complaint in *Chesapeake Energy Corp. v. Bank of New York Mellon Trust Co., N.A.*, Case No. 13-cv-1582-PAE, filed in the U.S. District Court for the Southern District of New York on March 8, 2013.
3. Attached hereto as Exhibit B is a true and correct copy of Chesapeake Energy Corporation's Memorandum of Law In Support of Order to Show Cause for Preliminary Injunction, in *Chesapeake Energy Corp. v. Bank of New York Mellon Trust Co., N.A.*, Case No. 13-cv-1582-PAE, filed in the U.S. District Court for the Southern District of New York on March 11, 2013.
4. Attached hereto as Exhibit C is a true and correct copy of the complaint in *McCall v. Chesapeake Energy Corp., et al.*, Case No. 10-cv-08897, filed in the U.S. District Court for the Southern District of New York on November 24, 2010.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th day of May 2016, at San Francisco, California.

By: /s/ Robert P. Varian
Robert P. Varian